



**MINUTES OF THE  
MISSOURI MINING COMMISSION MEETING  
LACHARRETTE CONFERENCE ROOM  
LEWIS AND CLARK STATE OFFICE BUILDING  
1101 RIVERSIDE DRIVE  
JEFFERSON CITY, MISSOURI  
JULY 23, 2015**

Chairman Gregory Haddock called the meeting to order on July 23, 2015, at 9:05 a.m., at the Department of Natural Resources, Lewis and Clark State Office Building, LaCharrette Conference Room, located at 1101 Riverside Drive, in Jefferson City, Missouri.

**Commissioners Present:** Dr. Gregory Haddock, Chairman; Mike Larsen, Vice Chairman; Commissioner Joe Gillman; Commissioner Aaron Jeffries; Commissioner John Madras.

**Staff Present:** Kevin Mohammadi, Staff Director; Sharon Thompson, Secretary to the Commission; Bill Zeaman; Larry Slechta; Daniel Wedemeyer; Lesley Branch; Brock Wilson; Cole Hough; Ashley Harrison; Mike Mueller; Beth Aubuchon.

**Others Present:** Laura Elsbury, Attorney General's Office, Counsel to the Commission; Tim Duggan, Assistant Attorney General; Danny Lyskowski, General Counsel's Office, Department of Natural Resources; Lisa Stuecken, Administrative Support, Department of Natural Resources; Steve Rudloff, MLPA; Chris Thiltgen, Capital Quarries; Jerry Prewett, Deputy Division Director, Missouri Geological Survey, Brian Beinskatter, MIC.

## **Approval of May 28, 2015 Commission Meeting Minutes**

### **Agenda Item #2**

Vice Chairman Larsen made a motion to approve the May 28, 2015, Meeting Minutes with Commissioner Madres seconded the motion. A roll call vote was taken.

Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Jefferies: Abstain  
Vice Chairman Larsen: yes  
Chairman Haddock: yes

The motion passed with 4 yes votes.

## **Approval of May 28, 2015 Closed Commission Meeting Minutes**

### **Agenda Item #3**

Vice Chairman Larsen made a motion to approve the May 28, 2015, Closed Meeting Minutes with Commissioner Gillman seconded the motion. A roll call vote was taken.

Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Jefferies: Abstain  
Vice Chairman Larsen: yes  
Chairman Haddock: yes

The motion passed with 4 yes votes.

## **Industrial Mineral Permit Fee**

### **Agenda Item #4**

Kevin Mohammadi, Staff Director of the Land Reclamation Program, gave an updated presentation to the Commission. The presentation contained information pertaining to the current fee structure and proposed fee increase. Mr. Mohammadi explained the Land Reclamation Act Sec 444.768 and its provision regarding stakeholders meeting agreement. Mr. Mohammadi advised the Commission that four stakeholders meetings were held on May 13, 2015, in Cape Gerardo, Mo, May 14, 2015 in Springfield, Mo, May 15, 2015, Kansas City, Mo, and May 18, 2015, Jefferson City, Mo. Mr. Mohammadi advises the Commission that stakeholders tentatively have agreed to the fee increase. The Commission was also advised that a Special Teleconference Meeting was scheduled for Monday, July 27, 2015 at 10:00 a.m. to vote on proposed Industrial Mineral fee increase and Findings of Necessity. This requires no action by the Commission at this time. This was provided for the Commission's information. The Commission thanked him for his report.

**McCullah and Sons Construction, In-Stream Sand and Gravel Mining, Direct Referral to Attorney General's Office**

**Agenda Item #5**

Bill Zeaman, Non-Coal Unit, presented to the Commission, chronology of dates and violations of the Land Reclamation Act that had been committed by McCullah and Sons Construction. Mr. Zeaman recommended that McCullah and Sons Construction, Shoal Creek, Barry County, In-Stream Sand and Gravel, be referred to the Attorney General's Office for Collection of Penalty and other applicable legal action, to the Commission.

Vice Chairman Larsen asked if it was determined who owned the backhoe and how was the penalty assessed. Mr. Zeaman replied that the Missouri Highway Patrol identified the backhoe as being owned by McCullah and Sons and that the penalty was assessed in accordance with appropriate statute.

Chairman Haddock asked if anybody in the audience would like to come forward with any questions or comments. No representation was made by McCullah and Sons Construction.

Commissioner Madras made a motion to accept staff's recommendation to refer this matter to the Attorney General's Office for Collection of Penalty and other appropriate legal action. Vice Chairman Larsen seconded the Motion. A roll call vote was taken and the motion passed unanimously.

**AFL, Barton County Circuit Court Judgment and Order to the Commission**

**Agenda Item #6**

Timothy Duggan, Assistant Attorney General, presented to the Commission the Judgment and Order from the Barton County Circuit Court for Alternate Fuels Incorporated. Mr. Duggan recommended that the Commissioners sign a Final Decision denying the permit application to revise permit # 1991-02 and notify all affected parties.

Commissioner Larsen asked, where does this go from here? Mr. Duggan states that it is a little unclear. Since reclamation is almost complete and we might have to go back to the original reclamation plan. What happens next is a very good question. There are a couple of different issues going on with this situation. We are not quite sure how this will end up. At this point the Commission has no role. Federal litigation is not complete.

Chairman Haddock asked, about the bond release and the finalization of the reclamation plan. Mr. Duggan stated since there are two different parties wanting this money, there might not be enough left in the account to finish the reclamation. Trying to recreate the original reclamation might be more damaging to the environment and would be ill advised.

Chairman Madras asked if the Commission could be liable in the future. Laura Elsbury stated that she will do some legal research in this matter and let the Commission know her findings.

Commissioner Madras made a motion that the Commission comply with the judgment and order entered on June 12, 2015, by the Barton County Circuit Court in case number 12B4-CV00176-01 by now formally denying Alternate Fuel Inc.'s application to revise Permit No. 1991-02, Record

I.D. No.2500 and 2502, dated December 2, 2011, on the basis that (1) creation of the water impoundments existing on land owned by Fowler Land Company, Inc. and The Margaret Leist Revocable Trust required the consent of the land owners and (2) the landowners did not consent to the creation of the water impoundments. If the Commission adopts this motion, this be the new and final decision in Case No. 11-2490 LRC. Commissioner Jeffries seconded the motion. A roll call vote was taken.

Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Jefferies: yes  
Vice Chairman Larsen: Abstain  
Chairman Haddock: yes

The motion passed with 4 yes votes.

A second motion was made by Commissioner Madras that if the Commission adopts this motion, that the Bankruptcy Trustee for Alternate Fuels Inc. and the attorney for Fowler Land Company, Inc. and The Margaret Leist Trust be notified of this decision by a letter signed by the Chairman on behalf of the Commission. Commissioner Gillman seconded the motion. A roll call vote was taken.

Commissioner Madras: yes  
Commissioner Gillman: yes  
Commissioner Jefferies: yes  
Vice Chairman Larsen: Abstain  
Chairman Haddock: yes

The motion passed with 4 yes votes.

The Commission approved the recommendation and the Final Decision was signed.

#### **Abandoned Mined Lands Status Update**

##### **Agenda Item #7**

Daniel Wedemeyer, Abandoned Mine Land Unit, reported on this agenda item. Mr. Wedemeyer gave a brief overview of the projects the Abandoned Mine Land Unit is working on. There was no action required by the Commission. The Commission thanked him for his report.

#### **OTHER**

#### **Comments from the Public**

##### **Agenda Item # 8**

None

#### **ADJOURNMENT OF MEETING**

A motion was made by Vice Chairman Larsen to adjourn the meeting. Commissioner Jeffries seconded the motion. A voice vote was taken and the motion passed unanimously.

The meeting adjourned at 9:40 a.m.

Respectfully submitted,

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Chairman

DRAFT